



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/754,564

01/12/2004

Ola Olofsson

TPP 30887DIV

8238

7590

05/30/2006

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.

Suite 850

1615 L Street, N.W.

Washington, DC 20036

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/754,564	Applicant(s) OLOFSSON ET AL.	
	Examiner Victor MacArthur	Art Unit 3679	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 21 April 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 10. Other (including any explanation in support of the above items):

The Appeal Brief filed on 4/21/2006 is not in conformance with the changes to the Rules of Practice before the Board of Patent Appeals and Interferences that went into effect on September 13, 2004. See 37 CFR sections 41.37 through 41.50. Any Appeal Brief filed on or after 10/08/2004 must comply with the new rules regardless of whether or not the Notice of Appeal was filed before the effective date.

The Status of Amendments section incorrectly states that "the proposed claims have been indicated to be entered". Note that the Request for Reconsideration filed on January 19, 2006 did not include any proposed claims. Applicant should amend this section to state that --a Request for Reconsideration filed January 19, 2006 has been entered by the examiner--.

The Summary of Claimed Subject Matter section should be amended to refer to the Specification by page and line number rather than paragraph number. Further, the explanation of the subject matter of each independent claim must be complete in and unto itself. The reference to previous discussions of other claims is not acceptable.

The Grounds of Rejection to be Reviewed on Appeal section should not be titled "Issues to be reviewed on appeal".

The Grounds of Rejection to be Reviewed on Appeal section should not be phrased argumentatively i.e., with phrases such as "allegedly". The grounds of rejection, and only the grounds of rejection, must be concisely stated in this section i.e., --Claims 14, 15 and 17-23 stand rejected under 35 U.S.C. §103 as being unpatentable over Parisin (U.S. Patent 5,165,816) in view of Finkell (U.S. Patent 5,797,237). Claim 18 stands rejected under 35 U.S.C. §112 first paragraph as failing to comply with the written description requirement--.

The Argument section requires a separate heading for each grounds of rejection. Currently the heading for the rejection of claims 14, 15 and 17-23 under 35 U.S.C. §103 as being unpatentable over Parisin (U.S. Patent 5,165,816) in view of Finkell (U.S. Patent 5,797,237) is missing.

The Claims Appendix is not to include claim status indicators and must only contain appealed claims (canceled claims should not be listed).